

MAR 21 2011

Doc Code: PET.OP

Document Description: Petition for Review by the Office of Petitions

PTO/SB/64 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
 ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: SHIN-JEN SHIAOApplication No.: 10/554,315Art Unit: 1614Filed: 10/24/2005Examiner: Sherry D. BrinkleyTitle: Composition comprising an edible acid or its acidic salt and the use thereof

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
 Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee

- ☐ Small entity-fee \$ 810 (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.
- ☐ Other than small entity-fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in
 the form of _____ (identify type of reply):

- ☐ has been filed previously on _____.
- ☐ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MAR 21 2011

Renewed Petition under 37 CFR 1.137(b)

Applicant: Shin-Jen Shaio

Application No.: 10/554,315

Filed Date: 10/24/2005

Attorney Docket

Sherry D. Brinkley

Petitions Examiner

Office of Petitions

Confirmation No.: None

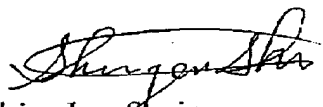
To the Commissioner of Patents:

The applicant was notified in referring to the OFFICE OF PETITIONS concerning this application dated on MAR. 09 2011 in which the petition filed on December 17, 2010 to revive the above-identified application under unavoidable provisions of 37 CFR 1.137(a) was DISMISSED. The applicant also showed a new way of "ALTERNATIVE VENUE". That this is not a final agency action within the meaning of 5 U.S.C. § 704, petitioner is strongly encouraged to consider filing this petition stating that the delay was unintentional under the provisions of 37 CFR 1.137(b), was unintentional.

In so far the applicant has made effort to revive the application by unavoidably reason but still DISMISSED. Thanks for the encouragement by Petitions Examiner, the applicant immediately submits this petition and Petition for revival of an application for patent abandoned unintentionally under 37 CFR 1.137(b) by fax first. Because today is weekend, the original documents will be submitted with fee on Mar. 21, 2011 by Air Mail, when the bank will open and could draw a check.

The applicant wishes courteously that The Petitions Examiner would allow this application revival.

Yours faithfully,



Shin-Jen Shaio

Mar. 19, 2011

Attachments:

- 1). Petition for revival of an application for patent abandoned unintentionally under 37 CFR 1.137(b)
- 2). A check for US\$810 for petition fee.

The PTO did not receive the following
listed item(s) check

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

March 20, 2011

Date

SHIN-JEN SHIAO

Type or Printed name

4F-6, NO. 98 JIANZHONG ROAD, HSINCHU 30070, TAIWAN

Address

Address

Registration Number, If applicable

886-3-571-3743

Telephone Number

Enclosures:



Fee Payment



Reply



Terminal Disclaimer Form



Additional sheets containing statements establishing unintentional delay



Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:



Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.



Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

March 19, 2011

Date


Signature

SHIN-JEN SHIAO

Typed or printed name of person signing certificate